

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH**

**Case No. 9:24-cr-80112
Rosenberg/Reinhart**

UNITED STATES OF AMERICA
Plaintiff,

v.

JOSUE DAVID BALAGUER,
Defendant.

_____ /

**DEFENDANT BALAGUER’S OBJECTIONS TO
PRE-SENTENCE INVESTIGATION REPORT (“PSR”)**

COMES NOW Defendant Balaguer, through his undersigned counsel, and states:

1. After reviewing his PSR with counsel, Mr. Balaguer wishes to note his following *Objections* to the PSR. For the convenience of the Court, his *Objections* and notes are summarized in the chart below (references are to PSR page number, followed by PSR paragraph number):

<i>U.S. v. Balaguer</i>		Case no. 9:24-cr-80112
PSR page / paragraph	PSR says	Balaguer’s Objection
14 / 58	Base Offense Level is 38	Base Offense Level is 34 (based on extensive conversations with the government, and re-review of DEA lab reports)

<i>U.S. v. Balaguer</i>		Case no. 9:24-cr-80112
PSR page / paragraph	PSR says	Balaguer's Objection
14 / 57	Balaguer <i>does not</i> meet the criteria for the "safety valve" § 5C1.2(a) because he "possessed" a gun	Balaguer <i>does</i> meet the criteria for the "safety valve" §5C1.2(a) because he <i>did not</i> "possess" a gun
15 / 59	Because a firearm was possessed, the offense level is increased by 2 levels § 2D1.1(b)(1)	A firearm was <i>not</i> possessed, so the offense level should <i>not</i> be increased by 2 levels per § 2D1.1(b)(1)
15 / 60	Because Balaguer maintained a premises for the purpose of distributing a controlled substance, the offense level is increased by 2 levels § 2D1.1(b)(12)	Balaguer did not maintain a premises for the purpose of distributing a controlled substance, so no 2-level increase per § 2D1.1(b)(12)
15 / 67	Total Offense Level 39	Total Offense Level 24 based on: -2 levels for "safety valve" eligible, -2 levels for no firearm enhancement, -2 levels for Zero Point Offender, -2 levels for not maintaining a premises for drug distribution -4 Base Offense Level 34 -3 acceptance of responsibility
16 / 71	Balaguer has zero Criminal History Points	Balaguer should receive an additional 2-level decrease as a Zero Point Offender

<i>U.S. v. Balaguer</i>		Case no. 9:24-cr-80112
PSR page / paragraph	PSR says	Balaguer's Objection
21 / 111	Total Offense Level 39 , Criminal History Category I, Guideline range 262-327 months	Total Offense Level 24 , Criminal History Category I (Zero Point Offender), Guideline range 51-63 months (with no minimum mandatory sentence because of "safety valve" eligibility)

WHEREFORE, Defendant Balaguer prays this Court will grant his *Defendant Balaguer's Objections To The Pre-Sentence Investigation Report ("PSR")*.

Respectfully submitted,

s/Michael Hursey
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY the foregoing was electronically filed using CM/ECF with the Clerk of the Court on July 22, 2025.

s/ Michael Hursey
MICHAEL HURSEY, ESQ.